

REMARKS

The Office Action dated January 8, 2007, and the references cited therein have been carefully considered. Claims 1, 3, 5-17, 21-24, and 26-33 are presently pending. No claims currently stand allowed. Applicants have amended the claims to more clearly define the invention in view of the Office Action's Section 112, paragraph 2, "indefiniteness" rejection. In particular, the claims have been modified to remove reliance upon the phrase "separate and distinct" to distinguish the claimed invention from the prior art. Applicants submit that the claims, as previously presented, are patentable over the prior art presently known to applicants.

In view of the claim amendments and remarks set forth herein, the pending claims are patentable over the prior art presently known to Applicants. Accordingly, Applicants request favorable reconsideration of the grounds for the previous rejection in view of the now pending claims. Please charge any fee deficiencies to Deposit Account No. 12-1216.

Summary of the Grounds for the Rejections

1. **Section 4:** Claims 1-27 are rejected under 35 U.S.C. Section 112, Paragraph 2, as being indefinite.
2. **Section 6:** Claims 1-3, 5-7, 10, 13-15, 17-21, and 25-27 are rejected under 35 U.S.C. §103(a) as being obvious over Winn U.S. Pat. No. 6,901,424.
3. **Section 7:** Claims 4, 11, 12 and 16 are rejected under 35 U.S.C. §103(a) as being obvious over the Winn '424 patent in view of de Ment U.S. Pat. No. 6,728,755 (the de Ment '755 patent).
4. **Section 8:** Claims 8-9 and 22-24 are rejected under 35 U.S.C. §103(a) as being obvious over the Winn '424 patent in view of Hamlin et al. U.S. Pat. No. 6,477,504 (the Hamlin '504 patent).

Applicants traverse each and every rejection and request allowance of the presently pending claims for at least the reasons set forth herein below.

Summary of the Claimed Invention

Applicants' invention, recited in independent claims 1, 13 and 17, is directed to a method for conducting an on-line survey presentation process, driven by on-line ad blocks received from an ad server, that facilitates tuning a survey invitation process to avoid excessive repeated presentation of an on-line invitation to a same user.

The sequence of claimed steps begins with receipt of a web page containing an on-line advertisement by a user computer. Thereafter, the process proceeds through a request/response transaction between the user computer and an ad server. More particularly, the user computer requests and receives, from the ad server, an on-line advertisement data block.

The advertisement data block includes, in addition to instructions for displaying an on-line ad, additional computer-readable instructions that carry out a decision-making process for determining whether to present an on-line survey *solicitation* via a browser client on the user computer. During an "accessing" step, a timestamp on the user computer is accessed. The timestamp is indicative of a period of time that has passed since the on-line survey solicitation was previously presented by the browser client.

The method recited in independent claim 1, and the associated dependent method claims, facilitate dynamically customizing an on-line survey campaign including, among other things, the ability to modify the wait period between consecutive presentations of an on-line survey solicitation, triggered by a received Web page containing an on-line advertisement, via a browser client running on a user computer. Furthermore, Applicants note that the invention is not merely a substitution of one type of information for another, but also consists of an arrangement of distinct system components (e.g., Web page server, on-line advertisement server, user computer, and survey logic server) that interactively cooperate to carry out an on-line survey campaign wherein individual survey invitations are triggered by receipt of Web pages containing instructions to download on-line ads from an ad server.

Claim 13 is similar to method claim 1. However, the initial "receiving" step is described in terms of an action performed by an *advertisement server*, in contrast to the "receiving" and "issuing" steps in claim 1 that are performed by a user computer.

Claim 17 is directed to a system including a set of components for carrying out the methods recited in claims 1 and 13.

The dependent claims are directed to additional steps and details relating to the decision-making process for presenting an on-line survey solicitation on the user computer upon which a browser client runs.

Summary of the Cited Prior Art Winn Reference

The Winn patent is directed to selecting a pool of survey participants based upon their user profiles. The Winn patent, upon which the Office Action's rejection of the previously pending claims primarily relies, is directed to pre-qualifying users by their provided "user profiles". The Winn system does not allow repeated presentations of a survey solicitation. As noted in column 4, lines 11-12, "the disclosed system functions to solicit users only once."

The method summarized in FIG. 4 of the Winn patent discloses embedding a tag in an HTML document. The tag is executed when the HTML document is downloaded to a user. During the execution of the tag, the user's host machine contacts a survey manager machine to initiate a qualifying step (450) wherein the survey manager determines whether the user is qualified for a survey sample pool and further applies a frequency value to determine whether to extend an invitation to a qualified user. If the user is indeed qualified, then an invitation is extended to the user.

The Winn patent discloses several mechanisms for limiting invitations to users. First, a cookie is written when a survey invitation is extended to a user (step 470). As noted in the paragraph at column 4, lines 9-19, a user is solicited to take an invitation only once. Second, a frequency value serves to select only a portion of a pool of otherwise qualified potential participants. Third, the survey server accesses a user profile on a user to determine whether the particular user meets the specified characteristics for a particular sample pool.

Detailed Remarks Responding To The Office Action's Grounds for the Rejections

1. *The Section 112, paragraph 2, rejection of claims 1-27 as "Indefinite"*

Applicants have amended the claims to remove the phrase "separate and distinct" which provided the basis for each of the indefiniteness rejections. Applicants submit that the invention is now clearly recited in the presently pending method and system claims, and request withdrawal of this basis for the rejection of the pending claims.

2. *The rejection of claims 1-3, 5-7, 10, 13-15, 17-21, and 25-27 as obvious over the Winn '424 patent*

Applicants traverse the rejection of claims 1-3, 5-7, 10, 13-15, 17-21 and 25-27 as obvious over Winn. As an initial matter, Winn cannot support a *prima facie* case of obviousness over the presently pending independent claims 1, 13, and 17 since a number of the elements are simply not present, including: an online advertisement, an ad server, and a timestamp (indicating a survey *invitation*). Nor does Winn disclose the recited interactive communications recited in the claims between a user computer and an ad server after the user computer has received and processed a downloaded Web page containing an on-line advertisement. In the event that the rejection of the pending claims not withdrawn, Applicants request identification of each of these elements in the prior art upon which it relies for such rejections.

Applicants submit that the Office Action's basis, recited on page 5, for finding the presently claimed invention obvious over Winn (and Official Notice) is driven by hindsight rather than the actual teachings of Winn in view of the state of the art. Winn's disclosure is clearly directed to a survey recruitment system/method that is initiated by Web pages (HTML documents) delivered to user computers by a Web server. Winn's disclosed system does not even disclose ad servers – servers that operate independently of content servers on the Web and respond to requests from user computers when Web pages containing references to the ad servers are processed on user computers. Applicants have clarified this aspect of their invention in the presently pending claims (e.g., "receiving" and "issuing" steps in claim 1). In the event that the rejection of the claims is not withdrawn, Applicants request documentary support for the asserted modifications to Winn's system, clearly lacking on-line ad and ad server elements, to render the presently claimed method and system.

Applicants specifically traverse the Office Action's assertion, at the bottom portion of page 5, that the recitation of an "ad server" is merely an intended use limitation. In fact, the term is used to define a physical relationship and sequence of communications between at least three different networked entities (i.e., a Web page server, a user computer, and an ad server). This physical arrangement and resulting communications sequence is not disclosed in the Winn patent and bolsters Applicants' position that Winn is not directed to a survey arrangement associated with, and driven by, on-line advertisements.

The Office Action asserts, at page 5, that the HTML server disclosed in Winn *could be* an ad server. However, it is abundantly clear that Winn does not disclose that the HTML server

is an ad server. Furthermore, Winn does not even remotely suggest that the HTML documents are on-line advertisements. Instead, Winn discloses an ordinary Web page server that downloads HTML pages in response to requests from client computers. The surveys in Winn are therefore associated with particular Web pages. *Winn simply does not disclose or suggest associating the surveys with on-line ads provided by an ad server to populate downloaded Web pages.*

Furthermore, Applicants question the relevance of the Office Action's official notice taken that "it is well known to use information related to online advertisements (accesses, displays, etc. found in cookies) in order to more efficiently and accurately identify targets for surveys". Prior exposure to previous ads, stored in cookies, is important to analyzing surveys and gauging effectiveness of ad campaigns. However, such desirability does not direct one of ordinary skill in the art to modify Winn's system in a way that renders Applicants' presently claimed invention wherein a downloaded on-line ad triggers a test/procedure for selectively presenting a survey invitation.

Applicants have amended each of the independent claims to recite a "timestamp" indicating a period of time that has passed since a previous survey invitation was presented. The claimed invention's specification of a timestamp is also significant. Winn's disclosed system touts its ability to detect a user that was previously solicited to take a survey and not repeat a previous invitation. Applicants' claimed invention however, leaves open the possibility that a user may indeed change his/her mind. In contrast to Winn, the presently claimed facilitates resubmitting an invitation to take a survey assuming a sufficient amount of time has passed.

Winn appears to provide a complete solution to a need to fulfill a specified user sample pool and therefore one of ordinary skill, without knowledge of Applicants' disclosed system and method, would not be inclined to modify Winn's arrangement to render Applicants' claimed invention. Winn's use of a frequency parameter and a rule prohibiting repeated solicitations suggests that there are substantially more than enough potential survey participants (where only a randomly selected subset of all qualified users is even solicited to take a survey and if asked, never asked again). Under such circumstances there does not seem to be any benefit to incorporating Applicants' claimed "timestamp" and associated test. Thus, Applicants' invention was not contemplated by Winn.

Thus, in summary, the differences identified between the invention recited in claims 1, 13 and 17 and the Winn patent's disclosure are substantial. The timestamp enables a survey administrator to modify a standard for re-inviting a user to take a survey. The dependent claim

elements address “dynamic” aspects of the disclosed survey method/system that facilitate “tuning” a survey campaign. Furthermore, delivering the surveys through ads rather than Web pages offer a convenient and controllable delivery mode that can also potentially be linked to specific ads. None of these advantageous aspects of the disclosed/claimed invention are disclosed or even remotely suggested in the cited Winn patent.

Applicants traverse the rejection of **claim 3** for at least the reasons set forth herein above with regard to claim 1 from which it depends. In particular, Winn does not disclose receiving cookie data comprising a *timestamp*.

Applicants traverse the rejection of **claim 5** for at least the reasons set forth herein above with regard to claim 1 from which it depends. In particular, Winn does not disclose the block of data associated with an *on-line advertisement*.

Applicants traverse the rejection of **claim 6** for at least the reasons set forth herein above with regard to claim 1 from which it depends. In particular, Winn does not disclose storing the *timestamp* in the cookie.

Applicants traverse the rejection of **claims 7 and 10** for at least the reasons set forth herein above with regard to claim 1 from which it depends.

Applicants traverse the rejection of **claims 13-15, 17, 21** for the reasons set forth herein above.

Applicants have canceled **claim 25** and incorporated its subject-matter into independent claim 17. Applicants note that Winn does not disclose or suggest an ad server.

Applicants traverse the rejections of **claims 26 and 27** for at least the reasons set forth above regarding the rejection of each of the independent claims.

3. *The rejection of claims 4, 11, 12, and 16 as obvious over the Winn '424 patent in View of the de Ment '755 patent*

Applicants traverse the rejection of claims 4, 11, 12 and 16 as being obvious over the Winn '424 patent in view of the de Ment '755 patent. **Claim 4** has been incorporated into claim 1 and canceled. Applicants traverse the rejection of claim 4 at least in view of the reasons set forth herein above with regard to claim 1 from which it depends. As noted previously herein above, the Winn patent discloses an absolute rule for non-repetition of survey solicitations. Applicants furthermore note that de Ment discloses reading a cookie on a user's computer that indicates the last time a user was presented with a *pop-up survey*. de Ment does not disclose a timestamp indicative of a previous presentation of an *invitation* to

take an on-line survey. Therefore, if anything, de Ment discloses using a time value to prevent people from *taking* a survey too many times. This contrasts with the aim of Applicants' invention of not annoying perspective users of an advertised product or service by repeatedly submitting an *invitation to take a survey* – which may be denied each time and thus not recorded by de Ment's system. The goals and intentions of de Ment and Winn's "history" records simply do not match up and Winn's system could not be modified according to de Ment's teachings to render Applicants' invention recited in independent claims 1, 13 and 17 (each including a survey invitation "timestamp").

Applicants traverse the rejection of **claims 11 and 12** for at least the reasons set forth herein above with regard to claim 1 from which it depends. Furthermore, Applicants specifically note that neither Winn nor de Ment disclose an on-line advertisement block as the survey trigger/test initiation mechanism.

Applicants traverse the rejection of **claim 16** for at least the reasons set forth herein above with regard to independent claims 1, 13 and 17.

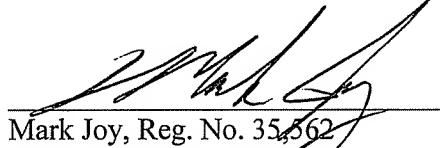
4. *The rejection of claims 8-9 and 22-24 as obvious over the Winn '424 patent in View of the Hamlin '504 patent*

Applicants traverse the rejection of claims **8-9** and **22-24** as being obvious over the Winn patent in view of the Hamlin '504 patent. Applicants Neither Winn nor Hamlin discloses a *frequency parameter value* being a function of *time remaining/elapsed* in a campaign.

Conclusion

For the above reasons, the above-amended claims are in proper form for allowance. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned attorney.

Respectfully submitted,



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